

## SENATE BILL No. 347

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-17.2-6-11; IC 16-41-19.3; IC 20-8.1-7-9.5; IC 20-8.1-7-11; IC 20-12-71-11.

**Synopsis:** Varicella immunizations. Adds varicella to the list of required immunizations for a child. Requires the state department of health to administer a varicella immunization program.

**Effective:** July 1, 2002.

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**Simpson, Miller**

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January 8, 2002, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 347

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 12-17.2-6-11 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) The parent or  
3       guardian of a child shall, when the child is enrolled in a child care  
4       ministry, provide the child care ministry with proof that the child has  
5       received the required immunizations against the following:

- 6           (1) Diphtheria.
- 7           (2) Whooping cough.
- 8           (3) Tetanus.
- 9           (4) Measles.
- 10          (5) Rubella.
- 11          (6) Poliomyelitis.
- 12          (7) Mumps.
- 13          **(8) Varicella.**

14       (b) A child enrolled in a child care ministry may not be required to  
15       undergo an immunization required under this section if the parents  
16       object for religious reasons. The objection must be:

- 17           (1) made in writing;



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(2) signed by the child's parent or guardian; and

(3) delivered to the child care ministry.

(c) If a physician certifies that a particular immunization required by this section is or may be detrimental to the child's health, the requirements of this section for that particular immunization are inapplicable to that child until the immunization is found to be no longer detrimental to the child's health.

SECTION 2. IC 16-41-19.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

**Chapter 19.3. Prevention and Treatment Programs: Varicella Immunization**

**Sec. 1. The state department shall establish a varicella immunization program to provide for varicella immunizations:**

(1) to individuals eligible under section 2 of this chapter; and

(2) at no cost to the individual.

**Sec. 2. An individual who meets the following requirements is eligible for services under the varicella immunization program:**

(1) The individual has not received a varicella immunization and has not had varicella.

(2) The individual is at least twelve (12) months of age and less than nineteen (19) years of age.

(3) The individual is a resident of Indiana.

(4) The individual does not have health insurance or Medicaid coverage that covers the cost of a varicella immunization.

(5) The individual meets any other eligibility standards adopted by the state department.

**Sec. 3. The state department may adopt rules under IC 4-22-2 to implement this chapter, including rules for providing varicella vaccines to health providers.**

SECTION 3. IC 20-8.1-7-9.5, AS AMENDED BY P.L.231-1999, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9.5. (a) Every child residing in Indiana shall be immunized against:

(1) diphtheria;

(2) pertussis (whooping cough);

(3) tetanus;

(4) measles;

(5) rubella;

(6) poliomyelitis; ~~and~~

(7) mumps; **and**

**(8) varicella.**



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(b) Every child residing in Indiana who enters kindergarten or grade 1 shall be immunized against hepatitis B.

(c) The state department of health may expand or otherwise modify the list of communicable diseases that require documentation of immunity as medical information becomes available that would warrant the expansion or modification in the interest of public health.

(d) The state department of health shall adopt rules under IC 4-22-2 specifying the:

- (1) required immunizations;
- (2) child's age for administering each vaccine;
- (3) adequately immunizing doses; and
- (4) method of documentation of proof of immunity.

(e) Each school shall notify each parent of a child who enrolls in the school of the requirement that the child must be immunized and that the immunization is required for the child's continued enrollment, attendance, or residence at the school unless:

- (1) the parent or child provides the appropriate documentation of immunity; or
- (2) section 2 or 2.5 of this chapter applies.

SECTION 4. IC 20-8.1-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) Not later than sixty (60) days after the enrollment of children for the first time and when additional immunizations are required by statute or rule, each school shall file a written report with the state department of health and the local health department having jurisdiction. The report shall include the following:

(1) A statement of the number of children who have demonstrated immunity against diphtheria, pertussis (whooping cough), tetanus, measles, rubella, poliomyelitis, mumps, ~~and~~ hepatitis B, **and varicella.**

(2) A statement of the number of children who have not demonstrated immunity against the illnesses listed in subdivision (1).

(3) A statement of the number of children who have been found positive for sickle cell anemia and lead poisoning.

(b) The state department of health and the local health department shall, for good cause shown that there exists a substantial threat to the health and safety of a student or the school community, be able to validate immunization reports by onsite reviews or examinations of nonidentifying immunization record data. This section does not independently authorize the state department of health, a local department of health, or an agent of the state or local department of

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1 health to have access to identifying medical or academic record data of  
2 individual students attending nonaccredited nonpublic schools.

3 (c) A report shall also be filed for each child who enrolls subsequent  
4 to the filing of the report for children who enrolled at the beginning of  
5 the school year. The state department of health shall have exclusive  
6 power to adopt rules for the administration of this section.

7 SECTION 5. IC 20-12-71-11 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) Except as  
9 provided in section 15 of this chapter, a postsecondary institution may  
10 not permit a student to matriculate in a residential campus of a  
11 postsecondary institution unless the student provides the  
12 documentation required by section 12 of this chapter for the following  
13 diseases:

14 (1) Diphtheria.

15 (2) Tetanus.

16 (3) Measles.

17 (4) Mumps.

18 (5) Rubella.

19 **(6) Varicella.**

20 (b) Each postsecondary institution shall notify each student before  
21 the student's matriculation of the requirement that the student must be  
22 immunized and that the immunization is required for matriculation at  
23 the postsecondary institution unless the student provides the  
24 documentation required by section 12 of this chapter.

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